

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|--------------------------------|---|--------------------------------------|
| NICHOLAS MARLER, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. 4:14-CV-01463 (CAS) |
| v. |) | |
| |) | |
| CITY OF TROY, MISSOURI, et al. |) | |
| |) | |
| Defendants. |) | |
| |) | |

PROPOSED ORDER APPROVING SETTLEMENT

Now on this 8th day of January, 2015, the Plaintiffs and Defendants by respective counsel, appear on the Plaintiffs' Motion for Approval of Settlement. The parties announce a tentative settlement in the amount of \$260,000.00, which Defendants propose to pay to the Plaintiffs on behalf of all persons entitled to share in the proceeds as the result of the wrongful death of Terry Marler, Jr., which sum includes payment for any medical bills, funeral expenses and damages for injuries arising from the death of Terry Marler, Jr.

The parties waive trial by jury, and oral and documentary evidence is adduced, and upon due consideration thereof, the Court now being fully advised in the premises, hereby ORDERS, ADJUDGES, and DECREES that the cause of action and claim for injuries, damages, and losses, and for the wrongful death of Terry Marler, Jr., deceased, be settled for the total consideration of \$260,000.00 and the settlement in this sum is hereby approved.

It is further ordered that at this time the Plaintiffs shall collect the settlement, collect the receipt, execute appropriate releases, pay all costs and expenses of recovery and collection, and pay to counsel for the Plaintiffs the sum of \$104,000.00, which this Court finds to be a reasonable attorney's fee and costs associated with the prosecution of this case, and having done so, file with this Court a Plaintiffs' report.

It is the further finding of this Court that at the time of Decedent's death he was survived by his wife, Angela Marler, his 18 year old son, Nicholas Marler, his two minor children, Alexander Marler and Heather Marler, and his biological parents, Betty Davis and Terry Marler, Sr. These individuals represent the entire Class 1 beneficiaries entitled to participate in the present wrongful death action. The Court finds that all Class 1 beneficiaries have received notice of the hearing. The Court further finds that the interests of justice are served by the following apportionment of the settlement proceeds:

To Angela Marler, the sum of \$26,995.18.

To Nicholas A. Marler, the sum of \$40,000.00, of which \$35,000.00 will be used by defendants to purchase further periodic payments from Pacific Life & Annuity Services, Inc for the benefit of Nicholas A. Marler. The distribution of the periodic payments are illustrated in Addendum 1.

To Angela Marler, Next Friend of Alexander M. Marler, the sum of \$40,000.00 which will be used by defendants to purchase future periodic payments from Pacific Life & Annuity Services, Inc. for the benefit of Alexander

M. Marler. The distribution of the periodic payments are illustrated in Addendum 2.

To Angela Marler, Next Friend of Heather J. Marler, the sum of \$40,000.00 which will be used by defendants to purchase future periodic payments from Pacific Life & Annuity Services, Inc. for the benefit of Heather J. Marler. The distribution of the periodic payments are illustrated in Addendum 3.

It is further hereby ORDERED, ADJUDGED, and DECREED that, on receipt of settlement and report of the Plaintiffs, the Defendants shall be and they are hereby forever discharged, free from any liability of whatever kind or nature for the injuries and death of Terry Marler, Jr., deceased.

SO ORDERED:

Honorable Charles A. Shaw
United States District Judge

Dated:_____